

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ADELE T. JETER,

Plaintiff(s),

vs.

UNITED STATES, et al.,

Defendant(s).

Case No. 2:14-cv-01489-LDG-NJK

ORDER STAYING DISCOVERY

(Docket Nos. 23, 52)

Pending before the Court is Defendant's motion to stay discovery pending resolution of the motion to dismiss. *See* Docket No. 23; *see also* Docket No. 21 (motion to dismiss). Plaintiff filed a response. Docket No. 51. The Court finds this motion properly decided without oral argument. *See* Local Rule 78-2. For the reasons discussed more fully below, the Court hereby **GRANTS** the motion to stay discovery.

Plaintiff, appearing in this action *pro se*, brings claims alleging that President Obama and Senator Reid have infringed on her copyright related to the DREAM Act. *See* Docket No. 12. The United States has moved to dismiss for lack of subject matter jurisdiction. *See* Docket No. 21.¹ In deciding whether to stay discovery pending a dispositive motion, the Court considers whether the motion is potentially dispositive, whether it can be decided without discovery, and whether the Court is convinced that

¹ That motion to dismiss also indicates that any claims against President Obama and Senator Reid purportedly in their individual capacities also fail. *See* Docket No. 21 at 1 n.1.

1 Plaintiff will be unable to state a claim for relief. *Kor Media Group, LLC v. Green*, 294 F.R.D. 579, 581
2 (D. Nev. 2013).² The Court's determination of whether to stay discovery is guided by the objectives of
3 Rule 1 to provide for the just, speedy and inexpensive resolution of cases. *See id.* at 581. "Common
4 situations in which a court may determine that staying discovery pending a ruling on a dispositive
5 motion may occur when dispositive motions raise issues of jurisdiction, venue, or immunity." *Tradebay,*
6 *LLC v. eBay, Inc.*, 278 F.R.D. 597, 601 (D. Nev. 2011).

7 The pending motion to dismiss presents threshold issues, including sovereign immunity and
8 subject matter jurisdiction. That motion is potentially dispositive, can be decided without discovery,
9 and the undersigned is convinced that it will be granted. Accordingly, the Court hereby **GRANTS** the
10 motion to stay discovery. In the event the motion to dismiss is not granted in full, the parties shall confer
11 and file a discovery plan within 14 days of the issuance of the order resolving the motion to dismiss.

12 In light of the above, the Court further **DENIES** as moot Plaintiff's motion to extend discovery
13 deadlines. Docket No. 52.

14 IT IS SO ORDERED.

15 DATED: January 16, 2015

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18 NANCY J. KOPPE
19 United States Magistrate Judge
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26 ² Conducting this preliminary peek puts the undersigned in an awkward position because the assigned
27 district judge who will decide the motion to dismiss may have a different view of its merits. *See Tradebay*,
28 278 F.R.D. at 603. The undersigned's "preliminary peek" at the merits of that motion is not intended to
prejudice its outcome. *See id.*